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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

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UNITED STATES OF AMERICA,

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10 Plaintiff,

11 v.

12 MICHAEL KEITH CUMMINGS,

13 Defendant.

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CASE NO. CR02-286-RSL

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PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

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INTRODUCTION

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I conducted a hearing on alleged violations of supervised release in this case on March 13, 2006. The United States was represented by Tate London. The defendant was represented by Tim Lohraff. The proceedings were recorded on disk.

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CONVICTION AND SENTENCE

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Defendant had been convicted of Felon in Possession of a Firearm on or about December 13, 2002. The Hon. Robert S. Lasnik of this court sentenced Defendant to forty-five (45) months of confinement, followed by three (3) years of supervised release.

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The conditions of supervised release included requirements that defendant comply with the standard 13 conditions.

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DEFENDANT'S ADMISSION

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USPO Jennifer Tien alleged that Defendant violated the conditions of supervised release in four respects:

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PROPOSED FINDINGS

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- (1) Using marijuana on or before December 7, 2005, in violation of standard condition number 7;
- (2) Using alcohol on or before December 20, 2005, in violation of the special condition of drug aftercare;
- (3) Using marijuana on or before January 30, 2006, in violation of standard condition number 7;
- (4) Failing to participate and successfully complete 30 days inpatient treatment as directed by the U. S. Probation Officer, in violation of the special condition of drug aftercare.

9 At an initial hearing, I advised the defendant of these charges and of his constitutional rights. At
10 today's hearing Defendant admitted to violations 1 through 4, waived any hearing as to whether it
11 occurred, and consented to having the matter set for a disposition hearing before the Hon. Robert
12 S. Lasnik.

RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that Defendant has violated the conditions of his supervised release as alleged and set the matter for a disposition hearing.

16 Defendant has been detained pending a final determination by the court.

DATED this 14th day of March, 2006.



MONICA J. BENTON
United States Magistrate Judge

23 cc: Sentencing Judge : Hon. Robert S. Lasnik
Assistant U.S. Attorney : Tate London
24 Defense Attorney : Tim Lohraff
U. S. Probation Officer : Jennifer Tien